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General Assembly

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Sixty-first session
Item 29 of the provisional agenda*
United Nations Relief and Works Agency for Palestine Refugees in the Near East

Palestine refugees' properties and their revenues

Report of the Secretary-General

Summary

On 4 May 2006, the Secretary-General sent notes verbales to Israel and all other Member States, drawing their attention to the relevant provisions of General Assembly resolutions 60/100 to 60/103, all of 8 December 2005, and requesting information by 30 June 2006 concerning any action taken or envisaged in relation to the implementation thereof. A reply dated 30 June 2006 was received from Sweden, covering various aspects of resolutions 60/100 to 60/103. The full text of the reply is reproduced in the present report. No information has been received from other Member States regarding the relevant provisions of those resolutions.

* A/61/150.

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1. The present report is submitted in pursuance of General Assembly resolution 60/103 of 8 December 2005 on Palestine refugees' properties and their revenues.

2. On 4 May 2006, the Secretary-General drew the attention of the Permanent Representative of Israel to the United Nations to General Assembly resolutions 60/100 to 60/103, all of 8 December 2005, with the request that the Permanent Representative of Israel inform him by 30 June 2006 of any steps his Government had taken or envisaged taking in respect of the implementation of the relevant provisions of those resolutions.

3. Also on 4 May 2006, the Secretary-General sent a note verbale to all other Member States, drawing their attention to the relevant provisions of General Assembly resolutions 60/100 to 60/103 and requesting information by 30 June 2006 on any actions taken or envisaged in relation to the implementation thereof.

4. A reply dated 30 June 2006 was received from Sweden covering various aspects of General Assembly resolutions 60/100 to 60/103. The text read as follows:

> The Permanent Mission of Sweden to the United Nations presents its compliments to the Secretary-General of the United Nations and with reference to the Secretary-General's note of 4 May 2006 (DPA/APD/GA/RES 60/100-103) has the honour to inform him that Sweden is the third largest United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) donor and a member of the Ad Hoc Committee of the General Assembly for the Announcement of Voluntary Contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East. Sweden annually grants non-earmarked support to UNRWA and this year's transferred contribution amounts to 31.35 million United States dollars. Sweden has also contributed 5.45 million United States dollars to the UNRWA Emergency Appeal (Consolidated Appeals Process 2006).
>
> The Swedish contribution to UNRWA for 2007 is under parliamentary review at the moment. Hence, it is not possible to submit the amount of next year's support. We do, however, have the intention to increase our support.
>
> Unfortunately, the Swedish Government does not hold any record of Palestinian property, assets or property rights in Israel. Hence, we cannot provide any of the information asked for in General Assembly resolution 60/103.

5. No information has been received from other Member States with regard to steps taken concerning General Assembly resolutions 60/100 to 60/103.

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General Assembly

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Sixty-first session
Item 66 (a) of the provisional agenda*
Promotion and protection of human rights: implementation of human rights instruments

Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Report of the Secretary-General

I. Introduction

1. The General Assembly, by its resolution 39/46, adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment contained in the annex to that resolution, and called upon all Governments to consider signing and ratifying the Convention as a matter of priority.

2. The Convention was opened for signature in New York on 4 February 1985. In accordance with its article 27, the Convention entered into force on 26 June 1987, on the thirtieth day after the date of deposit with the Secretary-General of the twentieth instrument of ratification or accession.

3. The General Assembly, by its resolution 57/199, adopted the Optional Protocol to the Convention. The Protocol was opened for signature on 4 February 2003. In accordance with its article 28, the Protocol entered into force on 22 June 2006, on the thirtieth day after the date of deposit with the Secretary-General of the twentieth instrument of ratification or accession.

II. Implementation of the Convention

4. In its resolution 60/148, the General Assembly welcomed the work of the Committee against Torture and took note of its report.[1] The Assembly condemned in particular any action or attempt by States or public officials to legalize or authorize torture and other cruel, inhuman or degrading treatment or punishment under any

* A/61/150.

[1] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 44* (A/60/44).

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circumstances, including on grounds of national security or through judicial decisions. It further urged States to take effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment, and stressed that all allegations of such treatment or punishment must be promptly and impartially examined and that perpetrators must be held responsible and severely punished. The Assembly recalled that States should not expel, return (refouler) or extradite a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture. It furthermore urged all States that had not yet done so to become parties to the Convention as a matter of priority; invited all States to the Convention that had not yet done so to make the declarations provided for in articles 21 and 22 of the Convention, to consider the possibility of withdrawing their reservations to article 20, and to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible; urged States parties to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted in time, their obligation to submit reports in accordance with article 19 of the Convention; called upon the United Nations High Commissioner for Human Rights, in conformity with the mandate established in General Assembly resolution 48/141, to continue to provide, at the request of States, advisory services for the preparation of national reports to the Committee and for the prevention of torture, as well as technical assistance for the development, production and distribution of teaching material for that purpose; urged States parties to take fully into account the conclusions and recommendations of the Committee; and requested the Secretary-General to submit to the Commission on Human Rights at its sixty-second session and the General Assembly at its sixty-first session a report on the status of the Convention.

5. At the first session of the Human Rights Council, held from 19 to 30 June 2006, the President of the Council welcomed the entry into force, on 22 June 2006, of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and recalled General Assembly resolution 60/148, in which the Assembly, inter alia, called upon States parties to give early consideration to signing and ratifying the Optional Protocol, which provides further measures for use in the fight against and prevention of torture and other cruel, inhuman or degrading treatment or punishment. He requested the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in combating torture and assisting victims of torture commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture.

III. Status of the Convention

6. As at 10 July 2006, the Convention had been ratified or acceded to by 141 States. In addition, 10 States had signed the Convention.[2]

7. Under article 21 of the Convention, a State party may at any time declare that it recognizes the competence of the Committee against Torture to receive and

[2] For the list of States that have signed, ratified or acceded to the Convention, as well as the dates of their signature, ratification or accession see www.ohchr.org or www.un.org.

consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Convention. Under article 22, a State party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State party of the provisions of the Convention.

8. As at 10 July 2006, 52 of the States parties to the Convention had made the declarations provided for in articles 21 and 22 of the Convention. In addition, four States parties had made the declaration provided for in article 21 only, thus bringing the total number of declarations under that article to 56. Six States parties had made the declaration provided for in article 22 only, thus bringing the total of declarations under that article to 58.[1]

9. The provisions of articles 21 and 22 entered into force on 26 June 1987, in accordance with paragraph 2 of article 21 and paragraph 8 of article 22.

10. As at 10 July 2006, 22 States had ratified or acceded to the Optional Protocol to the Convention. In addition, 33 States had signed the Protocol.

IV. Membership of the Committee against Torture

11. The membership of the Committee for 2006 is as follows:

Member	*Term expires on 31 December*
Essadia Belmir (Morocco)	2009
Guibril Camara (Senegal)	2007
Felice Gaer (United States of America)	2007
Luis Gallegos Chiriboga (Ecuador)	2007
Claudio Grossman (Chile)	2007
Alexander Kovalev (Russian Federation)	2009
Fernando Mariño Menéndez (Spain)	2009
Andreas Mavrommatis (Cyprus)	2007
Nora Sveaass (Norway)	2009
Wang Xuexian (China)	2009

12. The Committee against Torture held its thirty-fifth and thirty-sixth sessions at the United Nations Office at Geneva from 7 to 25 November 2005 and from 1 to 19 May 2006, respectively. In accordance with article 24 of the Convention, the Committee will submit its annual report, covering its activities at the sessions referred to above, to the States parties and to the General Assembly at its sixty-first session.

[1] For the text of declarations and reservations, see www.ohchr.org or www.un.org.

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Items 66 and 97 of the provisional agenda*

Promotion and protection of human rights

Measures to eliminate international terrorism

Letter dated 17 August 2006 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to attach the declaration of the Committee on Constitutional and Legal Affairs of the National Assembly of People's Power of the Republic of Cuba expressing outrage at the ruling of the Court of Appeals in Atlanta, Georgia (United States) vacating — in contravention of legal principles — the unanimous verdict of the panel of three judges which had rescinded the judgement handed down in Miami against five Cuban anti-terrorist heroes: Gerardo Hernández, Ramón Labañino, Fernando González, René González and Antonio Guerrero.

I should be grateful if you would have this letter and its annex distributed as a document of the General Assembly under items 66 and 97 of the provisional agenda of its sixty-first regular session.

(*Signed*) Rodrigo **Malmierca Díaz**
Ambassador
Permanent Representative

* A/61/150.

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Annex to the letter dated 17 August 2006 addressed to the Secretary-General by the Permanent Representative of Cuba to the United Nations

Declaration of the Committee on Constitutional and Legal Affairs of the National Assembly of People's Power of the Republic of Cuba

15 August 2006

The Committee on Constitutional and Legal Affairs of the National Assembly of People's Power of the Republic of Cuba expresses its outrage at the ruling of the Court of Appeals in Atlanta, Georgia, vacating — in contravention of legal principles — the unanimous verdict of the panel of three judges which had rescinded the judgement handed down in Miami against five Cuban anti-terror heroes: Gerardo Hernández, Ramón Labañino, Fernando González, René González and Antonio Guerrero.

That ruling once again highlights the political nature of the judgement and of the unjust action taken, the arbitrariness of the United States Government and the violations of the United States' own laws and Constitution and of the most fundamental legal tenets, and more specifically of human rights, which have occurred.

The 93-page ruling of the panel judges, whose combined professional experience totals over 80 years, indicated: "empaneling (an impartial) jury in this community (Miami) was an unreasonable probability because of pervasive community prejudice". "A new trial was mandated by the perfect storm created when the surge of pervasive community sentiment, and extensive publicity both before and during the trial, merged with the improper prosecutorial references."

The Atlanta court's decision takes no account of the environment of violence and intimidation in Miami, nor of recent events documented in the local press. They include the seizure of arsenals of weapons intended for terrorist action against Cuba and public statements by terrorists who acknowledge their acts with complete impunity. This confirms the need for the work which the five carried out, monitoring Miami groups to find out about the planning of acts of violence against Cuba which have led to the deaths of innocent civilians, and provides new and compelling proof in support of their defence, particularly the universal defence principle of necessity.

Also completely ignored were the opinion of the Working Group on Arbitrary Detention of the United Nations Commission on Human Rights that it arose from the facts and circumstances in which the trial took place and from the nature of the charges and the harsh sentences handed down to the accused that the trial did not take place in the climate of objectivity and impartiality that is required in order to conform to the standards of a fair trial as defined in article 14 of the International Covenant on Civil and Political Rights; the Working Group's declaration that the detention of the five was arbitrary; and its request to the United States Government to take immediate action to resolve the hardship imposed on them.

We condemn this odious and shameful decision and call on the world's parliamentarians and on all those who love justice to join this noble and just cause and demand that the United States Government should immediately free the five

Cuban heroes who have fought against terrorism and for the lives and peace of the peoples of Cuba and the United States of America. Next September, the five will mark eight years of unfair imprisonment, with severe restrictions on family visits, with two being unable even to see their wives.

The international campaign to free the five, scheduled for 12 September to 6 October 2006, should help to continue and step up our brothers' fight for truth and justice and to develop a broad front within parliaments and the legal community to ensure that universal legal principles prevail, so that these patriots can return to Cuba.